

Agenda

Item #5



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commission Members

From: Jonathan Wayne, Executive Director

Date: October 10, 2008

Re: Request for Consideration of Matching Funds

Several candidates for the House of Representatives have telephoned the Ethics Commission office to inquire whether they are entitled to receive matching funds on the basis of mailers sent by the Maine Republican and Democratic Parties. One of these candidates, Democratic Daniel LeVasseur, submitted the request in writing and asked that you consider the matter. Three examples are attached:

- The Maine Democratic Party sent mailers into a number of House districts discussing the Democratic candidates' positions on energy issues. The mailers do not mention the election or the fact that the candidates are running for the House of Representatives.
- The Maine Republican Party sent mailers into a number of House districts discussing Republican candidates' understanding of issues such as growing the economy and keeping taxes low. The mailer does not mention the election, but does mention the office sought ("Maine Families Deserve a Representative Who Will Fight for Them").
- The Maine Republican Party sent out a mailer regarding Representative Kerri Prescott's record on health issues.

Matching funds are based on a candidate's campaign receipts and expenditures, and independent expenditures made by outside groups such as political parties and political action committees. If these groups send out communications to voters that do not qualify as independent expenditures, the costs of those communications do not trigger matching funds.

Definition of Independent Expenditures

Narrow Standard for Communications Distributed through September 30, 2008

Maine Election Law requires the reporting of independent expenditures for communications to voters that "expressly advocate[] the election or defeat of a clearly

identified candidate” (21-A M.R.S.A. § 1019-B(1)(A)). This is a narrow standard that requires an explicit expression of support for the election or defeat of a candidate. Express advocacy is defined in the Commission’s rule (attached), which is derived from federal campaign finance law:

Timing of Mailings

I contacted the Maine Democratic and Republican Parties regarding the pieces of literature into which the candidates inquired. They responded that all of the mailers were delivered to the postal service on September 29 or 30. The political parties were cooperative in providing documentation from the post office verifying these dates (two examples are attached).

Staff Analysis

In the view of the Commission staff, under the Commission’s express advocacy rule and prior applications of the rule by the Commission (discussed below) the mailings do not expressly advocate for the election of the candidates named in the mailings. Because the mailings were sent before October 1, 2008, the staff has concluded preliminarily that the candidates are not due to receive matching funds. While decisions made by prior Commissions are not strictly binding on the current Commission, the staff believes it is beneficial to accord past decisions of the Commission some weight in your current deliberations in the interest of encouraging predictability in the election process for the political parties and political action committees as they are making decisions about the content of candidate-related communications.

November 2000 and January 2001 Meetings

I have attached a 2006 memo that the Commission’s counsel and I prepared summarizing the Commission’s decisions in November 2000 and January 2001 regarding express advocacy. The Commission members found one flyer to be express advocacy, took no action on another mailer, and found that three communications did not contain express advocacy.

September 22, 2006

The Commission considered two television advertisements sponsored by the Republican Governors Association (RGA) in support of Republican gubernatorial nominee Chandler Woodcock and four television advertisements sponsored by the Maine Democratic Party in support of incumbent Governor John Baldacci. Of the current members of the Commission, Michael Friedman and Mavourneen Thompson participated in the consideration. The Commission determined by a vote of 4-1 that none of the ads constituted express advocacy. Commission member Friedman voted against the determination, and Mavourneen Thompson voted for the determination.

During the discussion, advocates from the Democratic and Green-Independent Parties argued that the RGA television ad represented express advocacy for the election of Chandler Woodcock because the ad's final frame included the word "Governor" next to the candidate's name. I have attached a copy of the final frame of one of the ads.

October 20, 2006

The Commission considered five mailings during its October 20, 2006 meeting, which are attached along with the Commission minutes for those items.

The Commission found that two mailings by the Maine Democratic Party in support of House candidate Anne Rand were not express advocacy. Even though Ms. Rand was not an incumbent, both mailers put Ms. Rand's name in close proximity to the office for which she was running (State Representative). Attorney Michael Saxl argued that the Maine Democratic Party had relied on the Commission's decision at the September 22, 2006 meeting regarding the RGA ad in designing of these mailers. The determination to find that the mailer did not contain express advocacy passed by a vote of 2-1 (Drew Ketterer and Vinton Cassidy in favor of the determination, and Michael Friedman against). (Agenda Item #13)

The Commission found that a mailing by the Maine Republican Party in support of House candidate Bill Bailey was not express advocacy. The vote was 3-0. (Agenda Item #14)


The Commission determined that two mailings by the Maine Democratic Party in support of Rep. Walter Ash were not express advocacy. Both mailers put his name in close proximity to the office for which he was running. The vote was 2-1 (Drew Ketterer and Vinton Cassidy in favor of the determination, and Michael Friedman against) (Agenda Item #15)

Staff Recommendation

Based on the Commission's definition of express advocacy and the Commission's applications of the rule, the staff recommends the position that the mailers sent on September 29 and 30 by the parties do not contain express advocacy and therefore do not trigger matching funds.

21-A MRSA § 1019-B. Reports of independent expenditures

1. Independent expenditures; definition. For the purposes of this section, an "independent expenditure":

 A. Is any expenditure made by a person, party committee, political committee or political action committee, other than by contribution to a candidate or a candidate's authorized political committee, for any communication that expressly advocates the election or defeat of a clearly identified candidate; and

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; the 35 days, including election day, before a general election; or during a special election until and on election day.

2. Rebutting presumption. A person presumed under this section to have made an independent expenditure may rebut the presumption by filing a signed written statement with the commission within 48 hours of making the expenditure stating that the cost was not incurred with the intent to influence the nomination, election or defeat of a candidate, supported by any additional evidence the person chooses to submit. The commission may gather any additional evidence it deems relevant and material and must determine by a preponderance of the evidence whether the cost was incurred with intent to influence the nomination, election or defeat of a candidate.

3. Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candidate's election shall file a report with the commission. In the case of a municipal election, a copy of the same information must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements and matching fund provisions under chapter 14. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each contribution or expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each contribution or expenditure and the name of each payee or creditor. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the contribution or expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

5. **Filing by Facsimile or Electronic Means.** For purposes of this section, reports may be filed by facsimile or by other electronic means acceptable to the Commission, and such reports will be deemed filed when received by the Commission provided that the original of the same report is received by the Commission within 5 calendar days thereafter.

SECTION 10. REPORTS OF INDEPENDENT EXPENDITURES

1. **General.** Any person, party committee, political committee or political action committee that makes an independent expenditure aggregating in excess of \$100 per candidate in an election must file a report with the Commission according to this section.
2. **Definitions.** For purposes of this section, the following phrases are defined as follows:
 - A. "Clearly identified," with respect to a candidate, has the same meaning as in Title 21-A, chapter 13, subchapter II.
 - B. "Expressly advocate" means any communication that uses phrases such as "vote for the Governor," "reelect your Representative," "support the Democratic nominee," "cast your ballot for the Republican challenger for Senate District 1," "Jones for House of Representatives," "Jean Smith in 2002," "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Woody," "defeat" accompanied by a picture of one or more candidate(s), "reject the incumbent," or communications of campaign slogan(s) or individual word(s), which in context can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidate(s), such as posters, bumper stickers, advertisements, etc. which say "Pick Berry," "Harris in 2000," "Murphy/Stevens" or "Canavan!".
 - C. "Independent expenditure" has the same meaning as in Title 21-A §1019-B. Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate and is not an independent expenditure.
3. **Reporting Schedules.** Independent expenditures must be reported to the Commission in accordance with the following provisions:
 - A. Independent expenditures aggregating in excess of \$100 per candidate per election but not in excess of \$250 made by any person, party committee, political committee or political action committee must be reported to the Commission in accordance with the following reporting schedule, except that expenditures made in the last 11 days before an election must be reported within 24 hours of the expenditure.
 - (1) **Quarterly Reports**
 - (a) A report must be filed on January 15th and be complete as of January 5th;



PETER KENT

knows Maine needs bold action when it comes to energy

Maine has tremendous assets, from wind to wood to tides, that can help us create a better energy future for our state.

Maine can create thousands of good paying jobs, lower energy costs for businesses and consumers, and protect our environment with the right plan of action. However, we need real leaders who are willing to stand up and make it happen.

Peter Kent is committed to ensuring that all Mainers, especially our seniors, **stay safe in their homes** during the difficult winter we face. He knows we must take action to create a more sustainable energy future. Peter supports significant weatherization efforts for middle and low-income Mainers and businesses, **tax credits** for alternative and new energy sources, and investment in research and development to **bring new power and new jobs** to Maine.

Contact Peter Kent with your energy ideas and concerns.
(207) 442-9255 or pskentz5@hotmail.com

16 Winthrop Street
 Augusta, ME 04332



Non-profit Org.
 U.S. Postage
 PAID
 Permit #304
 Augusta, ME

|||||
 Try 4
 AUTO-5-DIGIT 04579
 Paul and Susan Wasseroit
 OR CURRENT RESIDENTS
 7 Ledge Wood Dr
 Woolwich ME 04579-4145

Paid for by the Maine Democratic Party, 16 Winthrop Street, Augusta, ME 04332.
 This communication is not authorized by any candidate or candidate's committee.



PETER KENT

**knows Maine needs bold action
when it comes to energy**



Dear Ethics Commissioners,

I would like to formally request that your organization investigate the recent mailer sent to the citizens of my district on behalf of my opponent Jane Knapp by the Maine Republican Party.

The use of the word 'REPRESENTATIVE' in the context of the mailer appears to make it a violation of the rules regarding 3rd party mailings.

I am requesting that you make a determination on this matter and compensate my campaign the amount necessary to appropriately mitigate the damage done by this improper mailing.

Thank you for your consideration in this matter.

Daniel J. LeVasseur II

Candidate for House District 129

RECEIVED

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

Maine Families Deserve a Representative Who Will Fight for Them



**Growing Our Economy.
Keeping Taxes Low.
Lowering Energy Costs.**

*Call Jane Knapp at 839-3880 and thank
her for fighting for Maine families!*

Paid for and authorized by the Maine Republican Party, Phil Roy, Treasurer.

Maine Republican Party
9 Higgins Street
Augusta, ME 04330

|||||

38524

Daniel J. Levesque
117 McEllan Rd
Gorham ME 04038-1849

Non-Profit
U.S. Postage
PAID
Permit No. 681
Wilkes Barre, PA

JANE KNAPP

FIGHTING FOR YOUR FAMILY



Growing Our Economy.

Maine families are worried about the state of our economy. Jane Knapp understands the economic anxiety, and will work to stimulate the economy, create jobs, and expand opportunity.



Keeping Taxes Low.

Maine families already pay too much in taxes. Jane Knapp will fight to lower taxes for working families so they can keep more of what they make. Maine families can make better decisions about how to spend their money than government bureaucrats.



Lowering Energy Costs.

Jane Knapp knows Maine families are struggling to pay for the high cost of gas and heating oil. That is why she will fight for an energy plan that will lower costs and allow our natural resources to power Maine's future.

**A Growing Economy. Lower Taxes.
Energy Independence.**

JANE KNAPP
LEADERSHIP YOU CAN TRUST

*Call Jane Knapp at 839-3880 and thank
her for fighting for Maine's families.*



"MY HEALTH & MY FAMILY'S HEALTH ARE EVERYTHING"

That's the sentiment of mothers and fathers across Maine.

Sadly, today's economy is sapping precious health care dollars from Topsham family budgets.

Fortunately, State Representative Kerri Prescott understands how precious affordable health care is to Maine families.



KERRI PRESCOTT

She's demonstrated her leadership by supporting such legislation as LD 1047, An Act To Lower The Cost of Health Insurance. She also worked to allow Maine families to purchase cheaper insurance coverage from out-of-state companies and to make all health care costs deductible from Maine income taxes.



Kerri Prescott knows every little bit helps in making affordable health insurance a reality for all.

**Call State Representative
Kerri Prescott today at 319-7589
and encourage her to keep fighting for affordable health care**

OUR KIDS NEED MORE THAN JUST ONE A DAY



That's why **Kerri Prescott**
is taking the lead
in increasing
access to
affordable
health
care.



She Understands.

Paid for and authorized by the Maine Republican Party, Phil Roy, Treasurer.
9 Higgins Street, Augusta, ME 04330.
Not authorized by any candidate or candidate committee.

Maine Republican Party
9 Higgins Street
Augusta, ME 04330.

Non-Profit Org.
U.S. POSTAGE
PAID
Maine Republican
Party

137*****ECR055**R001
RESIDENT
13 HOMELAND
TOPSHAM, ME 04086-5148

58731 STATE ST
MAINE

Post Office:
Note Mail Arrival Date & Time

Mailer					
Entry Point: (1) SCF WILKES BARRE, WILKES BARRE, PA 18701-9997 Presort: ALL					
Permit Holder's Name and Address and Email Address, If Any Payne Printery 1101 Memorial HW DALLAS, PA 18612 USPS Nonprofit Auth No. CAPS Cust. Ref. No. Customer No.		Telephone 675-1147X114		Name and Address of Mailing Agent (if other than permit holder) State Street Strategies 121 State St. Harrisburg, PA 17101 Customer No.	
Name and Address of Individual or Organization for Which Mailing is Prepared (if other than permit holder) Maine Republican Party 9 Higgins St. AUGUSTA, ME 04330 USPS Nonprofit Auth No. Customer No.					
Mailing					
Post Office of Mailing WILKES BARRE PA 18701-9997		Mailing Date 09/29/2008		Agency Cost Code 0001	
Statement Sequence No. 0001		No. and Type of Containers			
Type of Postage <input checked="" type="checkbox"/> Permit Imprint <input type="checkbox"/> PreCanceled <input type="checkbox"/> Stamps <input type="checkbox"/> Metered		Processing Category <input checked="" type="checkbox"/> Letters <input type="checkbox"/> Parcels-Machinable <input type="checkbox"/> Letters-Paid as NPMs <input type="checkbox"/> ECR Letters-Paid as ECR Flats		If Sacked, Based on <input type="checkbox"/> 125 pcs <input type="checkbox"/> 15 lbs. <input type="checkbox"/> Both	
Total Pieces 3600		Total Weight 74.1600			
Permit No. 681		Weight of a Single Piece 0.0206 pounds			
For Mail Enclosed within Another Class <input type="checkbox"/> Periodicals <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Media Mail <input type="checkbox"/> Parcel Post					
For Automation Price Pieces, Enter Date of Address Matching and Coding 07/15/2007		For Enhanced Carrier Route Price Pieces, Enter Date of Address Matching and Coding 07/15/2007		For Enhanced Carrier Route Price Pieces, Enter Date of Carrier Route Sequencing 07/15/2007	
Move Update method: <input type="checkbox"/> Ancillary service endorsement <input type="checkbox"/> FASTforward <input type="checkbox"/> NCOA Link <input type="checkbox"/> ACS <input type="checkbox"/> Alternative method <input type="checkbox"/> Multiple					
Postage					
Parts Completed (select all that apply) <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input type="checkbox"/> L <input type="checkbox"/> S					
Total Postage (Add parts totals)				\$ 461.36	
Price at Which Postage Affixed (Check one) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither				pcs. x \$ = Postage Affixed \$	
Net Postage Due (Subtract postage affixed from total postage)				\$ 461.3600	
For USPS Use Only: Additional Postage Payment (State reason)				\$	
For postage affixed add additional payment to net postage due; for permit imprint add additional payment to total postage.				Total Adjusted Postage Affixed \$	
Postmaster: Report Total Postage in AIC 125 (Permit Imprint only)				Total Adjusted Postage Permit Imprint \$	
Certification					
The mailer's signature certifies that: (1) the mailing complies with 39 U.S.C. § 3626(j)(1)(D)(i)(I) and 26 U.S.C. § 513(A); (2) the income derived from the sale of any products or services advertised in the mailing is not subject to the Unrelated Business Income Tax (UBIT) and any products and services advertised are substantially related to the nonprofit organization's authorized purpose within the meaning of 39 U.S.C. § 3626(j)(1)(D)(i)(I) and 26 U.S.C. § 513(A); (3) the mailing if made by a voting registration official is required or authorized under the National Voter Registration Act of 1993; and (4) it will agree to pay, subject to appeal, any revenue deficiencies assessed on this mailing. If an agent signs this form, the agent certifies that he or she is authorized to sign on behalf of the mailer, and that the mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation. I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.					
Privacy Notice: For information regarding our Privacy Policy visit www.usps.com .					
Signature of Mailer or Agent		Printed Name of Mailer or Agent Signing Form Frank Arzmont		Telephone 570 675 1147	
USPS use only					
Weight of a Single Piece 0.0206 pounds		Are postage figures at left adjusted from mailer's entries? If "yes", state reason. <input type="checkbox"/> Yes <input type="checkbox"/> No			
Total Pieces		Total Weight			
Total Postage					
Presort verification Performed? (check one) <input type="checkbox"/> Yes <input type="checkbox"/> No		Date Mailer Notified		Contact By (Initials)	
I CERTIFY that this mailing has been inspected concerning: (1) eligibility for postage prices claimed; (2) proper preparation (and presort where required); (3) proper completion of postage statement; and (4) payment of annual fee (if required).					
Verifying Employee's Signature		Print Verifying Employee's Name		Time AM PM	

RECEIVED
OCT - 8 2008

United States Postal Service ®
Plant-Verified Drop Shipment (PVDS)
Verification and Clearance This form available at www.usps.com
 See Instructions on Reverse

1. Requested In-Home Delivery Date (3-day window)
 2. Drop Ship Appointment Number
105355541

3. Mailer Name
 Bridge Communications Inc
 4. FAST Scheduler ID
00115547001
 5. Mailer Contact Name
 Steven Hudson
 6. Mailer Contact Telephone (Include area code)
 860 665-8116

7. Origin Plant Location (City, state, ZIP+4 ®)
Portland, ME 04101
August 9 ME 04330
 8. Check One
☒ Identical-Weight Pieces. Weight of a Single Piece 0.0188 lbs.
☐ Nonidentical-Weight Pieces

9. Class of Mail
☐ Periodicals ☒ Std. Mail
☐ Package Services
☐ International (Specify class)
 10. Product or Publication Title or Names
 11. Total Gross Weight of Shipment (Verified at origin office)
12.5396
 12. Type of Mail Processing Category (Check all that apply)
☒ Letters ☒ Automation Compatible ☐ Irregular Parcels
☐ Flats ☐ Machinable Parcels ☐ Nonmachinable Parcels

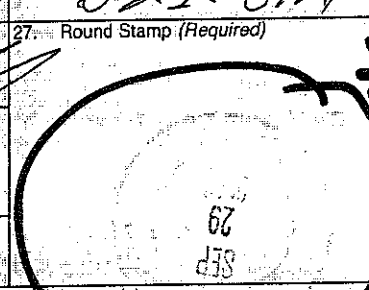
Mailer Information

13. Pallets	a. No. Pallets of Trays	b. No. Pallets of Sacks	c. No. Pallets of Parcels	d. No. Pallets of Bundles	13e. Non-Palletized Containers
i. 5-Digit					i. No. of Bundles
ii. 5-D Scheme					ii. No. of Trays <u>3</u> <i>1ft</i>
iii. 5-D CR					iii. No. of Sacks
iv. 5-D Scheme CR					iv. No. of Parcels
v. 3-D					v. No. of Other (Describe)
vi. All Other					

14. Entry Discounts Claimed ☐ DDU ☐ DBMC ☐ Mailing Includes Pieces For Delivery Outside Service Area of Entry Office.
 (Check all that apply) ☒ DSCF ☐ International Service Center (ISC) ☐ DADC ☐ Other (International):
 15. Comments - Record SCF/ADC/BMC/ASF designator(s) and ZIP Code(s) from the DMM label list for mailing presented or attach register.

16a. Contact at Company Making Drop Ship Appointment (If other than mailer and if known when completing this form)
 16b. Telephone

Origin Post Office (Where verified)

17. Origin Post Office™ (City, state, ZIP+4 ®)
August 9 ME 04330-9888
 18. Verified at ☐ DMU (Mailer's Plant) ☒ BMEU or Post Office
 19. Permit Number 304
 20. Postage Payment Method (Except for Periodicals)
☒ Permit ☐ Stamped ☐ Meter
 21. Total Pieces 667
 22. Total Weight of Mailing 12.54
 23. Vehicle PVDS Seal Number
 24. Vehicle ID Number
 25. Comments
 26a. Name of USPS® Employee Verifying Mail
Jim Nichol
 26b. Employee's Telephone Number (Include area code)
622-6114
 26c. Signature of Verifying Employee
Jim Nichol
 26d. USPS Contact Name (If other than verifying employee)
 27. Round Stamp (Required)


Destination Entry Post Office or Delivery Unit

28. Entry Office (Facility name, address, city state and ZIP+4® code as found in the Drop Ship Product)
 SCF BANGOR 044
 16 PENOBSCOT MEADOW DR
 HAMPDEN ME 04444-7099
 Note: Appointments with 100% Periodicals can be presented whenever the destination facility is open and staffed.
 29a. USPS Receiving Employee Signature
Samuel
 29b. USPS Receiving Employee Name
SAMUEL
 30. Date/Time of Arrival
9-19-09 1845
 31. Date/Time of Departure
9-19-09 1850
 32. Comments (NOTE: Enter bedload discrepancies as percentages and pallet discrepancies as pallet counts.)
 33. Load Condition Irregularities (Check all that apply)
☐ Broken Pallets ☐ Mailings are not Separated by Form 8125
☐ Container Counts do not Match Form 8125 ☐ Overweight Pallets
☐ Damaged Mail ☐ Pallets Too Tall
☐ Improper Mail Makeup ☐ Incorrect Mail Class
☐ Load Unsafe ☐ Other (Describe in item 32)
☐ Incorrect Appointment Type
 34. Scan the barcode upon receipt.
Carter
Bangor



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

ADDITIONAL MATERIALS

RE: Agenda Item #2

September 22, 2006

To: Commission Members

From: Staff and Counsel

Date: September 21, 2006

Re: Past Decisions on Express Advocacy

At the November 2000 and January 2001 meetings, the Ethics Commission was called upon to apply the Commission's 1998 rule defining express advocacy. I have attached in order some of the communications considered by the Commission:

FOUND TO BE EXPRESS ADVOCACY:

Maine GOP Victory 2000 flyer

NOT FOUND TO BE EXPRESS ADVOCACY:

Stavros Mendros postcard
Mailer about Kevin Glynn on senior citizen issues*
Lynn Bromley "Fighting for Education" flyer (4 pages)
Maine Unlimited brochure on social security and death taxes in Beth Edmonds
race

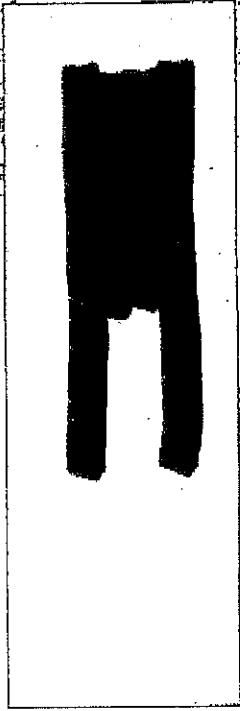
*The Commission voted 3-2 in favor of taking no action on this communication, however one Commission member in the majority stated that she did not feel comfortable as to what express advocacy was in this case.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

100 Water Street, Portland, Maine 04107

**Maine Democrats
are trying to sweep
it under the rug.**

**But the fact
is they avoided
to tax Social Security.**



Non-Profit Org
U.S. Postage
PAID
Permit #280
Augusta, ME

FAX:

NOV-06-00 MON 07:16 AM

Dear Friend of Education,

Last Year, the Lewiston School Committee and the Lewiston City Council unanimously requested only one thing of our Legislative Delegation.

We asked them to, Please fully fund Education. Full (55%) state funding of education would have meant approximately \$1,000,000 to the city of Lewiston and the opportunity to substantially reduce property taxes.

Below is a chart on how each of our House Members voted on fully funding education. (H-1143, Roll Call 654)

Rep. William Cole	NO
Rep. Gerry Bouffard	NO
Rep. Richard Mailhot	NO
Rep. Lillian O'Brien	NO
Rep. Stavros Mendros	YES

It is ironic that the only Representative from Lewiston to support full state funding of Education was the Republican, Mendros.

All the Candidates running claim to support education, but only one keeps his word.

If you Truly care about Education and Property Taxes, Please Vote accordingly.

Sincerely,

Joyce Blodreau
Joyce Blodreau

Lewiston Council President

Sincerely,

Yvette Silva
Yvette Silva

Ward 1 School Committee

Printed and authorized by the CRESMA, 135 Hogan Rd, Lewiston, Me 04240 Michael Blodreau Treasurer.



¹dis-grace \dis-'gr^os\ n

1: loss of grace, favor, or honor vt 2: to bring reproach or shame to

3: State Representative Kevin Glynn's voting record on Senior's issues.

WHEN SOUTH PORTLAND'S SENIORS NEEDED HIM, STATE REPRESENTATIVE KEVIN GLYNN TURNED HIS BACK ON THEM.

KEVIN GLYNN'S RECORD ON SENIORS:

- x Voted against lowering the costs of prescription drugs (LD 1297, R/S C/M/VUE/TIS)
- x Voted against providing lower energy rates to low-income Mainers (LD 2140, R/S C/M/478/04)
- x Voted against a \$10 million expansion of the Low Cost Drug Program for the Elderly (LD 1112, R/S C/M/495)
- x Voted against funding to reduce waiting lists for home-based care (LD 1112, R/S C/M/495)
- x Voted against Maine's Patient's Bill of Rights and supported allowing HMO bureaucrats to make medical decisions instead of you and your doctor (LD 1112, R/S C/M/495)
- x Voted against establishing the Maine Council on Aging (LD 1961, R/S C/M/495, TM)
- x Even voted against providing additional money for Meals on Wheels (LD 1112, R/S C/M/495)

OUR SENIOR CITIZENS DESERVE BETTER

Don't settle for this disgrace.

☒ **VOTE Tuesday, November 7th**



Q: Who makes medical decisions for you?

A: Insurance Companies & HMO Bureaucrats!

That's what State Representative Kevin Glynn wants.

Kevin Glynn led the fight against Maine's historic Patient's Bill of Rights which gives YOU the right to make medical decisions and sue your insurance company if they make a decision that harms or kills you 11/11/05 PAGE 17

Kevin Glynn voted against requiring insurance companies to cover the costs of prescription contraceptives 11/11/05 PAGE 17

Kevin Glynn even voted against a program designed to identify and collect information on birth defects 11/11/05 PAGE 17

Kevin Glynn voted against allowing a woman to visit an obstetrician, gynecologist or midwife without a referral 11/11/05 PAGE 17

But there's one decision Kevin Glynn can't make for you...

VOTE Tuesday, November 7th

THIS decision is YOURS!

2

PROMISES WON'T SECURE
THE FUTURE

2B



...a good education will.

Lynn Bromley: Fighting for Education

Every child in Maine deserves a first rate education regardless of where they live.

Some of our children are sharing textbooks that are years out of date.

Lynn Bromley will fight to increase State funding of our local public schools, because until we get an up-to-date textbook in the hands of every child, the rest of our efforts won't count for very much.

Some of the children in our community are studying in buildings that are crumbling or temporary "portable" classrooms.

Lynn Bromley will work to make sure the State meets its commitment to fund renovations on our older school buildings and construction of new schools.

Some of the children in our community are lagging behind because we have not set our expectations high enough.

Lynn Bromley believes strongly that we must have accountability and discipline in the classroom, smaller class sizes, higher teacher pay and strict standards for both teachers and students.

Call Lynn Bromley at 799-1292.

Let's make sure every child has a chance for a bright future.

Not authorized by any candidate. Paid for by Senate 21, Rob Crockett Treasurer.

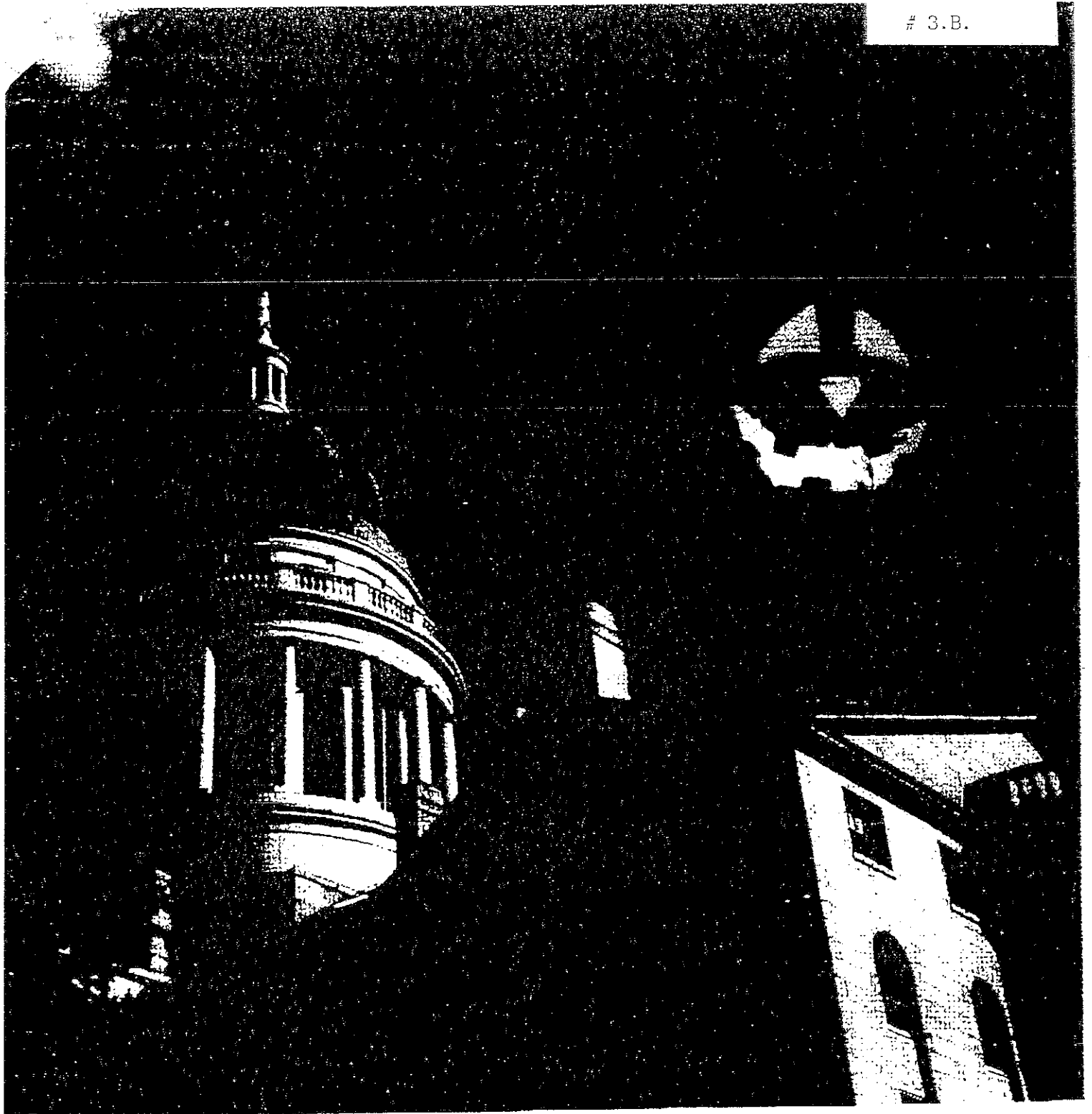


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"Trick! ...Now give me more of your money!"

Watch out! Politician Beth Edmonds is standing shoulder-to-shoulder with the same group of political insiders that has been tricking the citizens of Maine instead of treating them in Augusta.

That's right. Instead of looking out for your hard-earned money, Beth Edmonds is turning her back on Maine taxpayers and standing with the same Augusta politicians that have been *raising your taxes and wildly increasing state borrowing.*

Trick: As Maine ran a \$345 million budget surplus, Beth Edmonds' political cronies in Augusta voted to raise Maine's gas tax and car registration fees. Today, with gas prices spiraling higher, the Edmonds Team gas tax is turning into a cruel trick against Maine drivers.

Trick: Beth Edmonds' key supporters in the Legislature voted to spend much of the \$345 million surplus on wasteful spending projects including an

unworkable plan to provide expensive and fragile laptop computers to Maine students instead of providing more funds to repair school buildings.

Trick: After squandering much of the \$345 million budget surplus, Beth Edmonds' Democrat cronies voted to have the state go out and borrow even more money for her and her friends in Augusta to spend. Her Augusta insider pals supported \$33 million in additional borrowing, leaving Maine government in debt.

Trick: While spending all that money, Beth Edmonds' backers promoted broadening the sales tax by allowing every Maine locality to levy an additional local sales tax. That's more tax we would have to pay when we go to buy clothing or rent a movie—and they even wanted to tax funerals and haircuts.

Trick: While Maine taxpayers were being hurt by Beth Edmonds' cronies' tax tricks, they decided to treat themselves at our expense. They voted to raise Legislators' pay with our hard-earned tax dollars.

**Beth Edmonds supports a state death tax,
increased gas taxes and income taxes.
Tell her to stop supporting increased taxes on families.**

The information in this special report on state tax increases comes from the records of the Maine State Legislature which are available for public inspection on the Internet at <http://janus.state.me.us/legis/session> or in person at the State House in Augusta, ME. Additional information was obtained from candidate questionnaires available for viewing at www.vote-smart.com.

September 22 and October 20, 2006

Commission Decisions

Finding No Express Advocacy

CHANDLER
WOODCOCK

GOVERNOR

New Solutions to Change
Maine's Direction

207-287-1505

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ANY CANDIDATE PAID FOR BY THE RICA-MAINE PNC
1747 PENNSYLVANIA AVE NW WASHINGTON DC 20006



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Minutes of the October 20, 2006 Meeting of the
Commission on Governmental Ethics and Election Practices
Held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Chair (Pro Tempore) Hon. Andrew Ketterer; Hon. Vinton E. Cassidy; Hon. Michael P. Friedman. Staff: Executive Director Jonathan Wayne; Phyllis Gardiner, Counsel.

At 9:05 A.M., Chair (Pro Tempore) Andrew Ketterer convened the meeting. The Commission considered the following items:

Agenda Item #1 – Ratification of Minutes of the September 22, 2006 Meeting

Mr. Cassidy moved, and Mr. Friedman seconded, that the Commission adopt the minutes as printed.

Ms. Gardiner said that the minutes should include a description of the discussion and motion that occurred during the transcribed portion of the meeting.

Mr. Wayne asked if the staff should amend the minutes and present them to the Commission at its next meeting.

Mr. Ketterer asked if the ratification of the minutes was necessary for an appeal to go forward. Ms. Gardiner replied that it was not.

Mr. Cassidy moved, Mr. Friedman seconded, and the Commission voted unanimously (3-0) to table Agenda Item #1.

OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

The Commission voted unanimously (3-0) to accept the staff recommendation.

Agenda Item #13 – Request for Matching Funds/Benjamin Meiklejohn

Jon Bartholomew said that there was no other reasonable interpretation of the mailer sent by the Democratic Party than as advocacy for the election of Anne Rand.

Mr. Ketterer asked Mr. Bartholomew what he would recommend. Mr. Bartholomew said that the Commission should consider the mailers to be express advocacy and trigger matching funds.

Michael Saxl said that the Commission decided that some of the advertisements aired in the gubernatorial election were not express advocacy. Mr. Saxl said that the party designed its mailers based on that decision.

Benjamin Meiklejohn joined the meeting by telephone.

Mr. Meiklejohn said that the mailer included the words “Anne Rand, State Representative.” Mr. Meiklejohn said that considering that Anne Rand was not at the time a state representative, the mailing must have advocated for her election. Mr. Meiklejohn said that the mailer fit the “other language” provision of the statute.

Mr. Wayne said that the staff recommendation was based on the Commission’s ruling on the Republican Governors Association ads. Mr. Wayne said that it was hard to consider the Democratic Party mailings express advocacy when the Commission determined that the RGA ads were not.

Mr. Meiklejohn said that based on the Commission’s decisions, the parties could put up signs that do not contain express advocacy without triggering matching funds.

Mr. Ketterer said that Mr. Meiklejohn’s comments were well received and there may be statute changes in the future.

Mr. Meiklejohn said that his matter was a separate issue from the ads in the gubernatorial race.

Mr. Wayne said that the Republican Governors Association ad displayed Chandler Woodcock's name and office sought at the very end. Mr. Wayne said that the Commission determined that the other language in the ad related to issues. Mr. Wayne said that a sign or bumper sticker with just the name of a candidate and the office sought could be considered to be express advocacy because it would not contain any other language.

Ms. Gardiner said that the Commission's September 22 decision should not be taken to mean that mentioning the name of the office does not make a communication express advocacy. Ms. Gardiner said that the ads were considered in context.

Mr. Cassidy asked Mr. Wayne how he determined the staff recommendation. Mr. Wayne said that both of the mailers contained enough issue content so that they were not express advocacy.

Mr. Cassidy asked if a lawn sign stating only "Anne Rand, Representative" would be considered express advocacy. Mr. Wayne said that it would be express advocacy because there would be no discussion of issues. Mr. Wayne said that the Commission's rules have specific examples of express advocacy, including signs and bumper stickers.

Mr. Cassidy moved, and Mr. Friedman seconded, that the Commission accept the staff's recommendation and pay no matching funds.

Mr. Friedman said that the mailers contained express advocacy. Mr. Friedman said that there was little discussion of issues in the mailers and they should trigger matching funds.

Mr. Cassidy said that the mailers were similar to the ads discussed at the September 22 meeting.

The Commission voted 2-1 to accept the staff recommendation. Mr. Cassidy and Mr. Ketterer voted for the motion; Mr. Friedman voted against the motion.

Agenda Item #14 – Request for Matching Funds/W. Bruce MacDonald

Mr. Cassidy moved, and Mr. Friedman seconded, that the Commission accept the staff recommendation and pay no matching funds.

Mr. Friedman said that unlike the mailers discussed in the previous agenda item, the materials seemed to be issue-oriented. Mr. Friedman said that they did not include the name of the office sought by the candidate.

The Commission voted unanimously (3-0) to accept the staff recommendation.

Agenda Item #15 – Request for Matching Funds/Jayne Crosby Giles

Jayne Crosby Giles said that she received both campaign and non-campaign mailers relating to Walter Ash on the same day. Ms. Crosby Giles said that the mailers contained overlapping themes, causing confusion among voters as to which of the mailings were advocating for Walter Ash's election.

Mr. Friedman asked if it would have made a difference if Ms. Crosby Giles had not received the mailings all at the same time. Ms. Crosby Giles said that receiving them at the same time resulted in the mailings being a different issue from her previous complaint and clearly express advocacy.

Jon Bartholomew said that he disagreed with some of the Commission's previous decisions and supported Ms. Crosby Giles' complaint. Mr. Bartholomew said that the Commission should consider the context of the mailings and not just look for the "magic words" to determine express advocacy.

Dan Billings said that Patricia LaMarche's appeal of the Commission's decision on the Republican Governors Association ads was currently before the court. Mr. Billings said that if

the court were to strike down the Commission's earlier decision, it should revisit the items discussed at the present meeting.

Mr. Ketterer asked Mr. Billings for his opinion on the issue of campaign and non-campaign mailings arriving at the same time. Mr. Billings said that it was likely a coincidence and not a coordinated act.

Mr. Cassidy said that he didn't see a connection between the mailings. Mr. Cassidy said that if they were coordinated, they probably wouldn't have been mailed at the same time.

Mr. Cassidy moved, and Mr. Friedman seconded, that the Commission accept the staff recommendation and pay no matching funds.

Mr. Friedman said that the mailing was express advocacy because despite some mention of issues, the ultimate purpose of the mailing was to advocate for Walter Ash's election.

Mr. Ketterer said that he agreed with Mr. Cassidy but the Commission should consider each case individually and in context.

The Commission voted 2-1 to accept the staff recommendation. Mr. Cassidy and Mr. Ketterer voted for the motion; Mr. Friedman voted against the motion.

Agenda Item #16 – Request for Matching Funds/John N. Frary

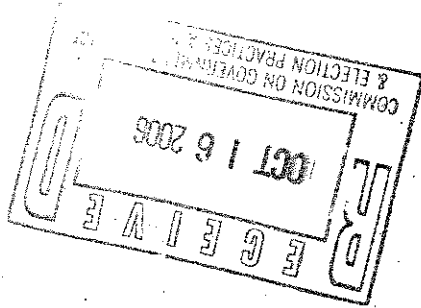
Mr. Wayne said that John Frary, chair of the Franklin County Republicans, brought the request on behalf of Republican candidate Lance Harvell. Mr. Wayne said that the literature was handed out at the University of Maine at Farmington. Mr. Wayne said that the literature contained Mr. Harvell's responses to a survey from the Maine Economic Research Institute. Mr. Wayne said that it was not clear whether the literature was intended to oppose Mr. Harvell.

NORWAY	14 MI.
PARIS	15 MI.
DENMARK	23 MI.
NAPLES	23 MI.
SWEDEN	25 MI.
POLAND	27 MI.
MEXICO	37 MI.
CHINA	94 MI.
PERU	46 MI.

Anne Rand

State Representative

A new direction for Maine...





Anne Rand

is working to build a stronger future for Maine and is standing up for hard-working Mainers.

That is why **Anne Rand** is committed to:

- ☒ Growing good-paying jobs and building a stronger Maine economy.
- ☒ Expanding property tax relief for Mainers.
- ☒ Working to make health care affordable for Maine families.
- ☒ Dedicated to improving Maine schools and creating new opportunities.
- ☒ Practicing fiscal responsibility here in Maine - and demand it from Washington.

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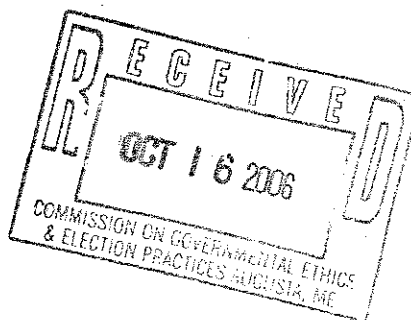


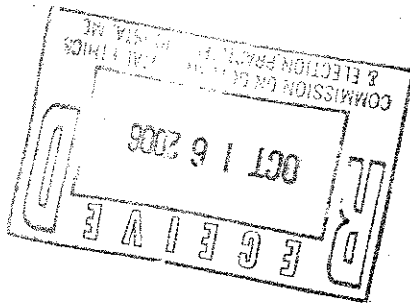
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Anne Rand

Anne Rand
State Representative

ANNE RAND*GOOD PAYING JOBS
AND LOWER TAXES*

- Expanding property tax relief for Maine home owners
- Targeting tax relief for the middle class and small business, instead of Bush's billionaires
- Eliminating the tax on business equipment to nurture Maine's small businesses

ANNE RAND*STRENGTHENING COMMUNITIES
AND PROTECTING FAMILIES*

- Increasing jail sentences for sexual predators and providing for community protection
- Protecting our environment by eliminating toxic waste
- Investing in higher education to create a more educated workforce for jobs of tomorrow

ANNE RAND

State Representative

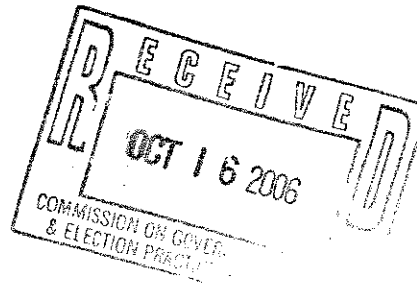
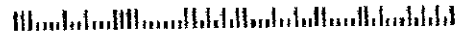
MAINE VALUES, AN INDEPENDENT VOICE

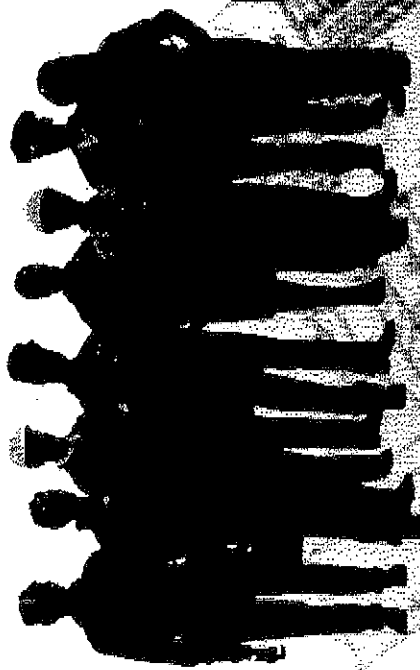
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It's Time To Put Maine Back To Work

**Maine is home to the
hardest working people
- anywhere!
But the numbers show
Maine is struggling.**

Unfortunately, the current leadership in Augusta refuses to jump-start our economy. They ignore our young people who must leave the state for a better job. They stand in the way of good paying jobs, decent benefits and jobs that allow Maine to prosper.

**THERE IS A SOLUTION: lower taxes, reduced
spending, streamlined permitting & a focus
on affordable high-tech healthcare.
A BETTER ECONOMY MEANS MORE JOBS.**



Overview of Economic Performance: Maine Losing Jobs, Struggling

Maine was the only New England state - and the only state in the nation except for Hurricane Katrina victim, Louisiana - to see economic activity decline.

- Maine was the only New England state with negligible payroll job growth.
- Income growth, though respectable, was the slowest in New England.
- Maine's exports declined for the first time since 2000.

Not only was Maine the only state in the region to experience virtually no job growth, the 2005 benchmark revisions reduced the year-end job count by nearly 6,000.

Source: Federal Reserve Bank of Boston

BUT MAINE CAN IMPROVE!



Bill Bailey IS A COMMUNITY LEADER WITH A PLAN!

MAINE CAN DO BETTER FOR WORKING FAMILIES
BILL BAILEY UNDERSTANDS THE NEEDS CHANGING



A FOCUS ON JOBS AND THE ECONOMY

We need to create quality, high paying jobs so our workers can establish themselves here in Maine. The current economic crisis hinders positive job growth with its restrictions on hiring. Mainers are hard workers in need of opportunities.

BETTER HEALTH CARE

Our healthcare system is in a crisis. We need to ensure quality care for all Mainers depends on a strong, stable system. We need deregulation, and creating market competition. This will help individuals and businesses, meaning better care for everyone.

MAINE NEEDS TAX RELIEF

Bill Bailey knows that tax relief will help Mainers. We need to increase Maine. State government needs to spend more on education, increase individual savings, stimulate small business growth and job creation.

Maine Republican Party
9 Higgins Street
Augusta, ME 04330

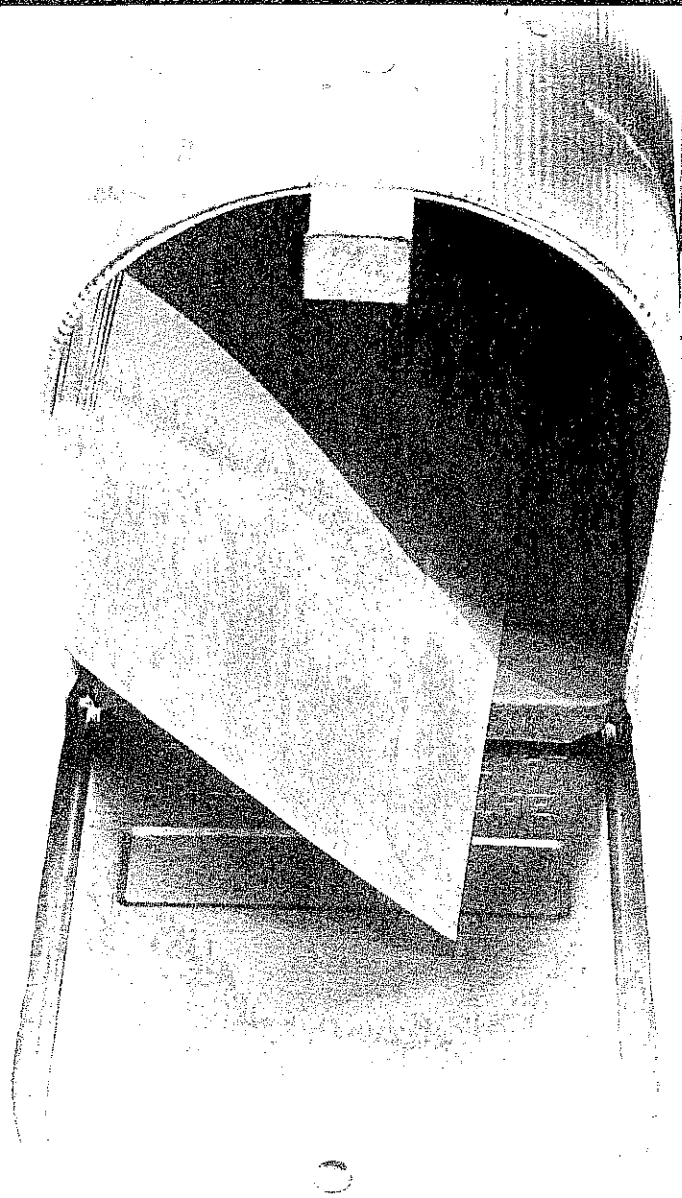
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Party

Paid for and authorized by the Maine Republican Party, Phil Roy, Treasurer, 9 Higgins Street, Augusta, ME 04330.
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Q:

What do your mailman &
Rep. Walter Ash
both have in common?





A: They deliver.

Rep. Walter Ash

is working to build a stronger future for Maine and is standing up for hard-working Mainers.

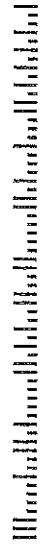
While in Augusta **Walter Ash** delivered:

- ☒ Voted to double tax refunds for Mainers hit hard by local property taxes. (Roll call #18)
- ☒ Voted to protect Maine children and communities from sex offenders by creating stricter sentences. (Roll call #530)
- ☒ Voted to increase the minimum wage for Maine workers. (Roll call #484)
- ☒ Voted to create more protections for women who have been the victim of domestic violence, and to keep guns out of their abuser's hands. (Roll call #537)

rec'd 10/14/06

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HELLO
my name is

REPRESENTATIVE
WALTER ASH



As leader and a voice for our community
Walter Ash is working to build a stronger
future for our state. Walter is fighting against
the failed Bush policies that have left Mainers
behind and he is standing up for hardworking
Mainers.

State Representative

Walter Ash

Maine values, an independent voice.

State Representative WALTER ASH

MAINE VALUES, AN INDEPENDENT VOICE

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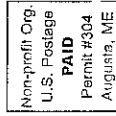
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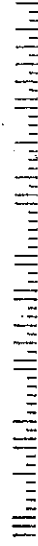
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WALTER ASH

GOOD-PAYING JOBS
AND LOWER TAXES

- Expanding property tax relief for Maine home owners
- Targeting tax relief for the middle class and small business, instead of Bush's billionaires
- Eliminating the tax on business equipment to nurture Maine's small businesses

WALTER ASH

STRENGTHENING COMMUNITIES
AND PROTECTING FAMILIES

- Increasing jail sentences for sexual predators and providing real community protections
- Protecting our environment by eliminating lead and mercury
- Investing in higher education to help prepare Maine workers for the jobs of tomorrow